



Chapter 32. Management of Tanks

§67383.1. Applicability.

(a) This chapter establishes minimum standards for the management of all underground and aboveground tank systems that held hazardous waste or hazardous materials, and are to be disposed, reclaimed or closed in place, except as provided in subsections (b), (c) and (d) of this section.

(b) The requirements of this chapter do not apply to tank systems regulated under a hazardous waste facility permit, other than a permit by rule, or to tank systems regulated under a grant of interim status.

(c) The requirements of this chapter do not apply to a tank system or any portion thereof that meets the definition of "scrap metal" in section 66260.10 and that is excluded from regulation pursuant to section 66261.6(a)(3)(B).

(d) The requirements of this chapter do not apply to any tank that is not a hazardous waste pursuant to chapter 11 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25159 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New chapter 32 (sections 67383.1-67383.5) and section filed 8-6-98; operative 8-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).

§67383.2. Definitions.

When used in this chapter, the following terms have the meanings given below:

"Closed in place" means left in place and closed without being removed.

"Disposal" has the same meaning as in section 66260.10, except that the term disposal does not include tanks that are closed in place pursuant to the requirements of this chapter or title 23, California Code of Regulations.

"LIA" means the "local implementing agency" or local agency responsible for the enforcement and regulatory oversight of hazardous material storage tanks pursuant to section 25283 of the Health and Safety Code.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste or hazardous material, which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) that provides structural support.

"Tank system" means a hazardous waste or a hazardous material transfer, storage or treatment tank and its associated ancillary equipment and containment system.

NOTE: Authority cited: Sections 25141, 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25117, 25124 and 25283, Health and Safety Code.

HISTORY

1. New Section filed 8-6-98; operative 8-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).

§67383.3. General Standards for Tank Systems.

(a) Except as provided in subsections (b), (c), and (d) of section 67383.1, any tank system that is identified as a hazardous waste pursuant to chapter 11 of this division, and that is destined to be disposed, reclaimed or closed in place shall be exempt from regulation under this division if the tank system is managed in accordance with all of the requirements of this section:

(1) Prior to initiating cleaning, cutting, dismantling, or excavation of a tank system, the owner or operator of the tank system shall notify the appropriate CUPA in writing of the information specified below. If there is no CUPA, then the owner or operator shall notify the LIA and send a copy to the authorized agency. However, information already provided to the CUPA, authorized agency or LIA pursuant to compliance with another statutory or regulatory requirement need not be resubmitted:

(A) The location of the tank system;

(B) The date(s) the tank system will be cleaned and/or excavated, or closed in place;

(C) A brief description of the tank system;

(D) The identification of the hazardous material or hazardous waste last held in the tank supported by:

1. A statement signed by the tank operator certifying the identity of the material or waste last stored or accumulated in the tank; or

2. If residuals remain in the tank in sufficient quantity to be collected and analyzed, a chemical analysis of the residual in the tank;

(E) The name and credentials of the individual who will provide certification pursuant to subsection (f), when applicable; and

(F) The intended disposition and destination of the tank system.

(b) Except as provided in subsection (c), any of the following procedures may be used for the onsite cleaning and closure of a tank system:

(1) American Petroleum Institute, Recommended Practice for the Closure of Underground Petroleum Storage Tanks, API Publication 1604, Third Edition, American Petroleum Institute, 1220 L Street, N.W., Washington, DC 20005, March 1996;

(2) American Petroleum Institute, Safe Entry and Cleaning of Petroleum Storage Tanks, API Publication 2015, American Petroleum Institute, 1220 L Street, N.W., Washington, DC 20005, May 1994;

(3) National Fire Protection Association, Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers Without Entry, NFPA 327, 1993 Edition;

(4) Procedures approved by the CUPA, authorized agency or LIA.

(c) Non-sparking, cold-cutting tools or a non-sparking cold-cutting process shall be used if the tank held a flammable or combustible material, and the tank, piping and/or appurtenances are to be cut onsite, unless an alternate method is approved by the CUPA, authorized agency or LIA.

(d) All sludge, scale, debris, residue, and rinseate generated during the tank closure process shall be managed in accordance with all applicable requirements of this division.

(e) At the completion of the cleaning process the tank system shall meet all of the following:

(1) All piping and appurtenances shall be free of product, sludge, rinseate and debris to the extent that no material can be poured or drained from them when held in any orientation (e.g., tilted, inverted, etc).

(2) The tank, upon inspection, shall be visually free of product, sludge, scale (thin, flaky residual of tank contents), rinseate and debris, except that residual staining caused by soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present.

(A) The inspection to verify that the requirements of subsection (e)(2) are met shall be conducted

1. through an existing manhole in the tank or one newly installed in the tank, or through holes cut into the tank wall in accordance with the requirements of this section so as to allow for visual inspection of the entire tank interior, without the need to enter the tank physically or

2. if the tank is not cut, following cleaning, by using a light with an internal inspection lamp approved for Class I, Division I locations, a mirror to reflect light into the container, or other appropriate device upon approval of the CUPA, authorized agency or LIA.

(B) If the tank held a hazardous material or hazardous waste that had the potential to generate flammable vapors, and the tank was cut onsite, a combustible gas indicator (CGI) which is properly calibrated shall be used to measure the concentration of flammable vapor at the top, center and bottom of the cut tank. The concentration of flammable vapor shall be zero percent of the Lower Explosive Limit (LEL) for the material that was contained in the tank; and the oxygen concentration shall be the same as that of the ambient air, approximately 20.8%;

(C) If the tank held a hazardous material or hazardous waste that had the potential to generate flammable vapors, is intended to be transported, and was not cut onsite, the tank shall be cleaned and inerted using one of the methods listed in subsection (b), inspected pursuant to subsection (e)(2)(A)2 and transported in accordance with the provisions of section 67383.5. (The tank shall be inspected to ensure that it meets the conditions of paragraph (2) of this subsection before it is inerted.)

(D) If a tank has been cut onsite, but it is not to be transported offsite or closed in place, it shall be cleaned using one of the methods specified in subsection (b) and inspected pursuant to subsection (e)(2)(A)1.

(f) The cleaned tank system shall be certified as meeting the standards of paragraphs (e)(1) and (2) of this section by the CUPA, authorized agency or LIA, or one of the following professionals, certified or registered in California:

(1) certified industrial hygienist;

(2) certified safety professional;

(3) certified marine chemist;

(4) registered environmental health specialist;

(5) registered professional engineer; or

(6) registered environmental assessor, Class II, as defined in section 25570.3, Health and Safety Code; or

(7) a contractor properly licensed by the Contractor's State License Board (CSLB) to contract for the removal of underground storage tanks and who holds a Hazardous Substance Removal Certification issued by the CSLB.

(g) The certificate issued pursuant to subsection (f) of this section shall be submitted on the Hazardous Waste Tank Closure Certification page of the Unified Program Consolidated Form (x/99)), Appendix E of Title 27 CCR, or an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, Sections 15610 and 15620. The submittal must include the Business Activities Page, and the Business Owner/Operator pages of the Unified Program Consolidated Form (x/99)). The certificate shall include the following:

(1) the tank owner's name and address;

(2) the address of tank closure site;

(3) the tank's State identification number, if applicable;

(4) the statement that the tank is visually free of product, sludge, scale, rinseate and debris;

(5) if applicable, the tank's interior atmosphere readings for concentrations of flammable vapor and oxygen;

(6) the name, professional classification, registration or certification number if applicable, signature, address and phone number of the certifying person; and

(7) the date and time of certification.

(h) Copies of the certificate shall be provided to the following:

(1) CUPA, authorized agency or LIA;

(2) owner and/or operator of the tank system;

(3) the contractor responsible for the removal of the tank system; and

(4) the recycling or disposal facility to which the tank is transported.

(i) A copy of the certificate shall accompany the tank to the recycling/disposal facility.

(j) A person who treats a tank by employing physical methods to satisfy the standard in subsection (e)(2) is authorized to perform such treatment for purposes of Health and Safety Code Section 25201.

NOTE: Authority cited: Sections 25141, 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25117, 25124 and 25201, Health and Safety Code.

HISTORY

1. New section filed 8-6-98; operative 8-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).
2. Amendment of subsections (a)(1), (b)(4), (c), (e)(2)(A)2., (g) and (h)(1) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (a)(1), (b)(4), (c), (e)(2)(A)2., (g) and (h)(1) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a)(1), (b)(4), (c), (e)(2)(A)2., (g) and (h)(1) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a)(1), (b)(4), (c), (e)(2)(A)2., (g) and (h)(1) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

§67383.4. Management Procedure to Close Hazardous Material or Hazardous Waste Tank Systems in Place.

The owner or operator of a tank system to be closed in place shall do all of the following:

- (a) Comply with Section 25298 of the Health and Safety Code, if applicable.
- (b) Obtain CUPA, authorized agency or LIA approval to close the tank system pursuant to Title 23, CCR, section 2672(c), if applicable.
- (c) Clean the tank and comply with all of the requirements of section 67383.3.
- (d) After the provisions of section 67383.3 are met, fill the tank with a solid inert material.

NOTE: Authority cited: Sections 25141, 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25117 and 25124, Health and Safety Code.

HISTORY

1. New section filed 8-6-98; operative 8-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).
2. Amendment of subsection (b) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (b) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsection (b) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (b) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

§67383.5. Transportation of Uncut Tanks that Contained Hazardous Material or Hazardous Waste.

Any tank intended to be transported, that is not cut onsite, has been cleaned pursuant to the provisions of section 67383.3, and has the potential to generate flammable vapors, shall be subject to the following requirements for transportation:

- (a) The tank's interior atmosphere shall be inerted with carbon dioxide or with another inert gas approved by the CUPA, authorized agency or LIA to levels sufficient to preclude explosion or to lower levels as required by the local agency;
 - (1) If the tank will be inerted with carbon dioxide, dry ice may be used at a minimum of 1 pound of dry ice per 45 gallons of tank volume (22.2 pounds per 1000 gallons of tank capacity) or bottled CO₂ may be used to inert the tank until the tank meets the required levels.
 - (2) All LEL readings shall be taken with a CGI that has been properly calibrated. The readings shall be taken at the top, center and bottom of the tank before the tank is loaded onto the transport vehicle.
- (b) All openings in the tank shall be plugged, except for a 1/8 inch vent.
- (c) All cracks, holes, or other damaged sections shall be plugged. If holes or cracks in the tank walls, piping or appurtenances could allow the release of hazardous constituents, the tank, piping and/or appurtenances shall be wrapped in plastic sheeting or another appropriate barrier compatible with and capable of containing the release. If the barrier becomes contaminated during use, it shall be managed in accordance with the applicable requirements of this division.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section and new form filed 8-6-98; operative 8-6-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 32).
2. Amendment of subsection (a) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsection (a) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (a) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).